

RECEIVED
U.S. DISTRICT COURT
JUN 29 PM 2:32

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Leigh Churchill
Write the full name of each plaintiff.

CV _____
(Include case number if one has been assigned)

-against-

Do you want a jury trial?

☒ Yes ☐ No

ADIS Outsourcing VI, Inc. Employees Edge LLC
Dextergreen Corporation
UFCW 888

Write the full name of each defendant. The names listed above must be identical to those contained in Section I.

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. PARTIES**A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Leigh R Churchill
 First Name Middle Initial Last Name

11 1/2 South 8th Avenue
 Street Address

Westchester Mount Vernon NY 10550
 County, City State Zip Code

914-882-3899 churchill.leigh@yahoo.com
 Telephone Number Email Address (if available)

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1: Oasis Outsourcing VI, Inc. Employers Edge LLC
 Name

P.O. Box 351567
 Address where defendant may be served

Jefferson/Adams, Westminster, CO 80035-1567
 County, City State Zip Code

Defendant 2: Pearlgreen Corporation
 Name

30 Pine Street
 Address where defendant may be served

Westchester, New Rochelle, NY 10801
 County, City State Zip Code

Defendant 3:

UFCW 888

Name

160 East Union Avenue

Address where defendant may be served

Bergen, East Rutherford NJ 07073

County, City

State

Zip Code

II. PLACE OF EMPLOYMENT

The address at which I was employed or sought employment by the defendant(s) is:

Peddlgreen Corporation

Name

30 Pine Street

Address

Westchester, New Rochelle NY 10801

County, City

State

Zip Code

III. CAUSE OF ACTION**A. Federal Claims**

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☐ **Title VII of the Civil Rights Act of 1964**, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin

The defendant discriminated against me because of my (check only those that apply and explain):

☐ race:☒ color:☐ religion:☐ sex:☐ national origin:

continuously withheld
information about the
incident and suspension by
writing false allegations
instead of facts.

- ☒ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: African American (multi)

- ☐ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: _____

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: _____

- ☒ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: Sec. 113 of Division FF PL. 116-260.CA.

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

B. Other Claims

In addition to my federal claims listed above, I assert claims under:

- ☒ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☒ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☒ Other (may include other relevant federal, state, city, or county law):

42 U.S. Code § 2000 e-3(f), 873 F.3d 739, 757 (9th Cir. 2017),
Labor Management Relations Act § 301

IV. STATEMENT OF CLAIM

A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☐ terminated my employment
- ☐ did not promote me
- ☐ did not accommodate my disability
- ☒ provided me with terms and conditions of employment different from those of similar employees
- ☐ retaliated against me
- ☒ harassed me or created a hostile work environment
- ☒ other (specify): Employer took adverse action, when
documenting H.R. investigation, during my suspension period.

B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

- Please see attached -
with: A-F exhibits,
EEOC decision, and
authorization for
unemployment appeal records
note: currently awaiting appeal decision

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

Facts

On 12/27/2019, I was employed picking orders in the warehouse at Pearlgreen Corporation in New Rochelle. While picking an order I rolled a shopping cart into a pallet located in lane 10 unattended.

On 12/30/2019, I was approached by Lucy, the human resource manager, asked if I had rolled a cart unattended on 12/27/2019, and I replied yes. Lucy then accused me of almost hitting an office worker, who was passing through the warehouse, and that I was being suspended for three days. There was also a meeting with another picker, whom originated the complaint approximately ten minutes before Lucy suspended me, by telling Lucy the cart was directed toward him even though he was in lane 8 parallel on the opposite side of the warehouse.

After the meeting while leaving for the suspension, I passed by the office worker I was accused of almost hitting with the cart and briefly apologize, this was located in the cafeteria by the vending machines.

On 1/6/2020, I returned to work at Pearlgreen with the intentions of moving forward.

On 1/7/2020, at approximately 10 a.m., I was approached by the office worker who inquired about my apology from 12/30/2019, after this discussion, I requested the write up at the office door, I inquired about the misinformation written in the write up and Lucy started speaking about my criminal history and threats of handling my type. [Ex. A].

On 1/8/2020, I submitted a grievance expressing my concern about facts not being included in the write up and requested the video they said they had of me almost hitting the office worker. [Ex. B].

On 1/9/2020, I amended the request for video. [Ex. C].

On 1/10/2020, I submitted a resignation letter along with my statement for the record if incase I was not available at the video viewing. [Ex. D], [Ex. E].

On 1/16/2020, I met with the union representative Flomaria, and expressed my concern with the factual documentation of the write up.

On 1/29/2020, after viewing the office worker walking behind the shopping cart, in no danger of the cart, I submitted a constructive resignation expressing the write up is discriminative, Flomaria refused to address facts and the discriminative issues, instead re-argued that the write up is good because I rolled the cart, which was not the reason for union involvement. [Ex. F]

IN CONCLUSION

I was not hostile on the day of the incident and the cart was not directed towards anyone. I requested assistance from the E.E.O.C. because the write up failed to accurately document the

situation I was suspended for, instead, writing under guise of the knowingly false allegation that, "I denied all allegations, in contradiction to the reason for my suspension on 12/30/2019.

Deliberately omitted that I took responsibility for rolling a cart unattended to the situation, I was being suspended for on 12/30/2019.

The false allegation was not addressed, nor acknowledged, only encouraged by the human resource after leaving for the suspension.

The misinformation being shared with unemployment I cannot receive a fair hearing, the information in the E.E.O.C., gave me no option but to request THIS COURT and pray the courts relief. Thank you kindly for your time and attention.

Employee Warning Notice

Employee Name: Leigh Churchill

Date: 12/30/19

Employee ID: P85492

Job Title: Warehouse/Picker

Manager: Jose Valcarcel

Department: Warehouse

Type of Warning

First Warning



Second Warning



Final Warning

Type of Offense

Tardiness/Leaving Early

Absenteeism



Violation of Company Policies

Substandard Work



Violation of Safety Rules



Rudeness to Customers/Coworkers

Other: _____

Details**Description of Infraction:**

Leigh was spoken to about a month ago regarding his use of derogatory comments he has made to his coworkers, specifically Charlie P. Charlie also reported that he threatened him. Leigh was told to stay away and not communicate with Charlie going forward.

Charlie reported that on Friday 12/27/2019, Leigh began to speak to him in a derogatory way and made unnecessary and rude comments. Charlie also reported that Leigh told him the "Threat is Real".

Later that day Charlie reported that Leigh pushed a cart at a high rate of speed directly at him.

Leigh denies all of the allegations and feels that Charlie is going after him because Leigh works more hours than he does.

When I tried to discuss the situation, Leigh became quickly agitated and was using profanity and was not approachable. I asked that he go for a walk and cool off which he did and he then returned still agitated but in a better frame of mind.

Santos, Joey and myself all met with Leigh. Told him he was valuable to us but the short temper, derogatory comments and any type of act that could cause harm to someone is unacceptable.

Leigh was suspended for 3 full days. He will return on Monday 1/6/20

Plan for Improvement:

Leigh is going to work on his attitude and his ability to control his temper

Consequences of Further Infractions:**Acknowledgement of Receipt of Warning**

By signing this form, you confirm that you understand the information in this warning. You also confirm that you and your manager have discussed the warning and a plan for improvement. Signing this form does not necessarily indicate that you agree with this warning.

Employee Signature

Date

HR Manager Signature

Date

Witness Signature (if employee understands warning but refuses to sign)

Date

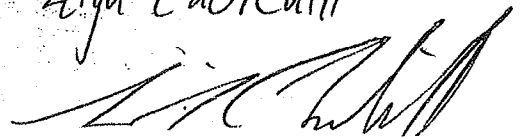
From Leigh Churchill

Date: 1/08/2020

Re: False allegations/write up

On December 27th, 2019, I Leigh Churchill, pushed a shopping cart with approximately 6 boxes of air filters towards a pallet in lane 10 in the front dock area of the warehouse. On 12/30/19 an employee, Charlie P., told the HR rep that I intentionally pushed it at him according to the write up. I did not at anytime push or speak to this employee and I would like to request the camera/video showing this threatening and unsafe action toward him. I would like to address someone that is not bias against me so that it shows the false, misleading and retaliatory actions exaggerated by this employee. Please allow the video of this incident to be reviewed in a timely manner. I recieved my write up copy on 1/07/2020 and now would like to prove my side, this complaint is false, exaggerated, and discriminatory.

Thank you kindly,
Leigh Churchill



Subject: write up/suspension

01/09/2019

Dear Sir/Madame,

I, Leigh Churchill, am submitting this amended request for video surveillance on 12/27/2019, location dock 10, in regards to Charlie P's complaint.

I am requesting video because I do not have any witness on my behalf, the witness is for Charlie and the author of this write up.

Originally the witness was the victim but for what reason the author of this writeup changed stories to favor in light of Charlie.

I am fighting against the author of this write up for falsifying this complaint against me for Charlie too.

In closing, I have a few issues to discuss with the deliberate, exaggerated, and retaliatory write up I am facing.

To: Pearlgreen Corporation / Union 888

From: Leigh Churchill

Subject: Resignation / Video Request

1/10/2020

Dear Sirs/Madams,

Good morning. I am once again requesting a copy or detailed description of what is on the tape/video, from my incident on 12/27/2019, to be produced at the hearing or is being reviewed in reference to. Along with the conference meeting on 12/30/19.

The extreme actions taken by this pair is beyond practical or appropriate, from the onset of the complaint to the warning notice, I was denied fair treatment.

I use work as a stress reliever but now it has become uncomfortably stressful working in such a humiliating fashion. This discrimination, mental abuse and unlawful harassment has me request a resignation. I will be giving my two weeks notice Jan 16, and wish my final day be ~~January 16, 2020~~ unless you choose to terminate earlier. February 4, 2020.

C.C. Union 888
Personel

Respectfully Submitted

To: Union 888 / Pearlgreen Corporation

From: Leigh Churchill

Subject: Testimony at meeting if I'm not available.

In regards to my defense Charlie P retaliated 11/10/2020
against me by creating this story in his notepad, the
warning note made his fantasy come to fruition, I have
done my best to stay "15 feet minimum" away from him all
times (give or take a few ft).

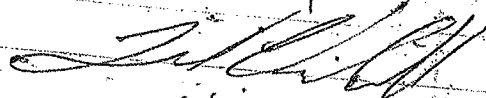
The warning notice was arbitrary and capricious by
failing to investigate the complaint within reasonable
expectation of its good faith, thus, discriminating
me from cooperating before disciplinary action was
taken. Without sound basis in reason or regard to the
facts, the allegations were accepted as bad faith
and written up with such malice.

My resignation papers are in and if I'm not there
this is my statement of facts to be read into the
record, I humbly request. Any determination please mail
to me the decision and outcome.

cc.

Pearlgreen Corp.
Union 888
Dorland

Respectfully Submitted,


Leigh Churchill

From:

Subject:

1/29/2020

Dear Sir/Madame,

Good morning. I am once again requesting a copy or detailed description of what is on the video from my incident on 12/27/2019, 12/30/2019 I would like the video of that meeting in the conference room.

The extreme actions taken by this pair is beyond practical or appropriate, from the onset of the complaint to the warning notice, I was denied fair treatment.

The discrimination, mental abuse and unlawful harassment has me write this constructive discharge starting immediately. The penalty box I have to stay in when I have no "picks" and humiliation of only speaking when spoken to is forcing me to get out of this environment.

Respectfully

N. Robinson

Unemployment Insurance Appeal Board

120 Bloomingdale Road, 2nd floor, Room 233
White Plains, New York 10605-1501

Authorization for the release of Records

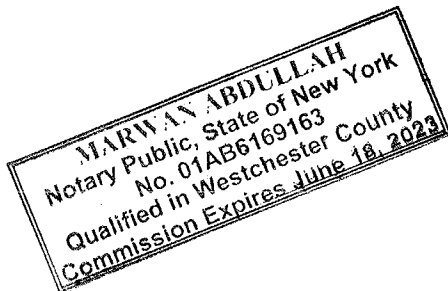
I, Leigh Churchill reside at 11 ½ south 8th avenue, Mount Vernon, NY 10550, hereby authorize the New York State Unemployment Insurance Appeals Board to release the following records;

- 1) Decision of the Board Appeal Board No. 612173
- 2) Phone hearing from 11/25/2020

Relative to the case of : Leigh Churchill ALJ / AB case number(s);
020-09091, 020-09093, 612173, 612174

To the U.S. District Court- Southern District of New York
500 Pearl Street, New York, N.Y. 10007

I am the Claimant in this matter. This information is sought for the purposes of discovery and will be solely used for this purpose.



Sworn to before me this 25th

Day of Jun, 2021

Notary Public

A handwritten signature of the Notary Public, Marwan Abdullah, written in ink.

A handwritten signature of Leigh Churchill, written in ink.

Signature

Leigh Churchill

6/25/2021

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Mr. Leigh R. Churchill**
11 1/2 south 8th Avenue
Mount Vernon, NY 10550

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2020-01839

D. Young,
Investigator

(929) 506-5309**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**
☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)

Judy A. Keenan,
District Director

March 31, 2021

(Date Issued)

cc:

Lucy Gratzon
Controller
PEARLGREEN CORPORATION
30 Pine Street
New Rochelle, NY 10801

V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? 4/21/2020

☐ No

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice? March 31, 2021

When did you receive the Notice? April 2, 2021

☐ No

VI. RELIEF

The relief I want the court to order is (check only those that apply):

☐ direct the defendant to hire me

☐ direct the defendant to re-employ me

☐ direct the defendant to promote me

☐ direct the defendant to reasonably accommodate my religion

☐ direct the defendant to reasonably accommodate my disability

☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

Reimburse all union fees paid
and any further relief the Court deems
just and proper.

VII. PLAINTIFF'S CERTIFICATION

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

6/25/2021
 Dated
Leigh R Churchill
 First Name Middle Initial Last Name
11 1/2 South 8th Avenue
 Street Address
Westchester, Mount Vernon New York 10550
 County, City State Zip Code
914 882 3899 Churchill.Lep@yahoo.com
 Telephone Number Email Address (if available)

I have ☒ read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

Leigh Chubb
11 1/2 S. 8th Ave.
Mount Vernon, NY 10550

PRO SE
REC'D (TA)
6.29.21

KANSAS GILLO
914-620-7820
KANSAS GILLO
11.5 S 2ND AVE
MOUNT VERNON NY 10550-3403

0.6 LBS LTR 1 OF 1

SHIP TO:
PRO SE INTAKE UNIT ROOM200
PRO SE INTAKE UNIT ROOM200
500 PEARL ST
NEW YORK NY 10007-1316

NY 102 9-10

UPS 2ND DAY AIR
TRACKING #: 1Z 5AR 263 02 1870 1212

2

Pro Se Intake Unit
Room 200
500 Pearl Street
York, NY 10007

PRO SE INTAKE UNIT ROOM200
500 PEARL ST
NEW YORK NY 10007

P: PURPLE S: BACK
408-3290
1Z5AR263021870 1212
JUN 29 07:00:18 2021